

**PATENT**  
**Docket No.: 57953/1180**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants : Benfey et al.**

Serial No. : 09/578,827

Cnfrm. No. : 5552

**Filed : May 24, 2000**

For : SHORT-ROOT GENE, PROMOTER, AND  
USES THEREOF

**Examiner:**  
**C. Collins.**

Art Unit:  
1638

**AMENDMENT UNDER 37 C.F.R. § 1.116**

**Mail Stop AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Dear Sir,

In response to the September 27, 2002, office action, please amend the above-identified patent application as follows:

**In the Claims:**

**Please cancel claims 32 and 33.**

**Please amend claims 22, 24, 27, and 31 as follows:**

22. (Twice Amended) A transgenic plant comprising a transgene encoding a heterologous gene of interest operatively associated with a *SHORT-ROOT* promoter, said promoter consisting essentially of a nucleic acid sequence of SEQ ID NO:4 and functioning to promote stele-specific expression in roots and embryos of a plant, so that the gene of interest is expressed in a tissue-specific manner in roots or embryos.